

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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MICHAEL L. CORBITT, JR.,

Plaintiff,

v.

Case No. 20-cv-98-pp

WISCONSIN DEPARTMENT  
OF CORRECTIONS, *et al.*,

Defendants.

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**ORDER DENYING PLAINTIFF'S MOTION RE: PAYMENT TOWARDS FILING  
FEE ORIGINAL AND APPEAL MOTION (DKT. NO. 23)**

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On January 21, 2020, plaintiff Michael Corbitt, who is representing himself, filed this lawsuit along with a motion for leave to proceed without prepaying the filing fee. Dkt. No. 1-2. The court granted the motion on March 9, 2020, but dismissed the case for failure to state a claim upon which relief can be granted. Dkt. No. 9. The plaintiff appealed and filed a motion for leave to *appeal* without prepaying filing fee. Dkt. No. 17. The court granted that motion on April 24, 2020 and the case is pending before the Seventh Circuit Court of Appeals. Dkt. No. 19.

The plaintiff now finds himself paying two filings fees with a 20% monthly deduction for each (a 40% monthly deduction total). See Dkt. No. 23. The plaintiff asks the court to order the institution to deduct only 20% total, instead of 20% per case. Dkt. No. 23. The plaintiff says he wants to finish paying the filing fee in one case before starting to pay the filing fee in the

second case. Id. He explains that, due to COVID-19, he is not working so he has less money. Id.

The United States Supreme Court has considered this issue and has concluded that the Prison Litigation Reform Act (“PLRA”) calls for simultaneous (not sequential) recoupment of multiple filing fees incurred by an indigent prisoner. See Bruce v. Samuels, 136 S. Ct. 627, 632 (2016); see also 28 U.S.C. §1915(b)(2). The court noted that simultaneous collection is consistent with the intent of the PLRA to “contain prisoner litigation.” Id. at 633. The court will deny the plaintiff’s motion.

The court **DENIES** the plaintiff’s motion re: payment towards filing fee original and appeal motion. Dkt. No. 23.

Dated in Milwaukee, Wisconsin this 10th day of July, 2020.

**BY THE COURT:**



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**HON. PAMELA PEPPER**  
**Chief United States District Judge**